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10/052,915	01/18/2002	Robert Nathaniel Bonini	921.0001USU	9097

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

8

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/052,915

Applicant(s)

BONINI, ROBERT NATHANIEL

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Miscellaneous***

1. Please note that the examiner of record for the prosecution of this application has changed.

### ***Drawings***

2. The drawings are objected to because they are missing text labels so as to clearly distinguish system elements. For example, it is unclear that element "82" and "84" are necessarily an ATCS decoder and AV matrix respectively as opposed to being the same element. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference sign "3" mentioned in the description (Page 6, Line 27). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 81 (Figure 9) and 38 (Figure 10). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "25" has been used to designate both the satellite uplink and satellite uplink center in Figures 3 and 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "35" and "2" have both been used to designate the downlink of Figure 5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Specification*

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
8. The disclosure is objected to because the term "broadcast boot" should be amended to read "broadcast booth" (Page 8, Line 23). Appropriate correction is required.

#### *Response to Arguments*

9. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

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With respect to applicant's arguments, applicant appears to be arguing that the instant invention does not require interactive action by the audience. However, it is the examiner's interpretation that the particular claim limitations as written do not particularly preclude the usage of additional interactive features. Rather, the claim only requires that the camera generate a monitoring video without interaction from the audience; namely, the video camera is passive. However, if applicant is trying to preclude the particular usage or non-requirement of interactive action by the audience, it is unclear if such a position is necessarily supported within the specification as originally filled. Rather, the specification would suggest that the particular market research associated with a camera monitoring the audience is performed in the "preferred embodiment" in conjunction with wireless viewer feedback mechanisms (IA: Page 14, Line 5 – Page 12; Page 20, Line 1-10; Figure 10). Accordingly, there does not appear to be a specific disclosed embodiment wherein only the video camera is utilized to monitor audience reaction "without interaction from the audience" and the usage of such would appear to be contrary to the disclosed "preferred embodiment" providing the user with some form of interactivity. Furthermore, claims 9-12 appear to contradict the particular usage of the video camera "without interaction from the audience" in so far as the claimed subject matter further utilizes interactive data collection for collecting user reactions. See MPEP 2173.05(i).

### *Claim Objections*

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10. Claim 11 is objected to because of the term “said data collection device content” lacks proper antecedent basis. For the purpose of examination, the examiner presumes that it refers to “said data collection device”. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky et al. (US Pat No. 6,141,530) in view of Chaum (US Pat No. 5,959,717).

In consideration of claim 1, Rabowsky et al. discloses a “digital content distribution and viewing system” comprising a “source of at least one of pre-recorded content or live digital content” [10] (Col 1, Lines 48-51; Col 2, Line 49 – Col 3, Line 65), and a “transport mechanism for distributing the content to a plurality of theater locations where said digital content can be viewed by an audience” [60] (Col 1, Lines 61-67; Col 8, Line 44 – Col 9, Line 2). Although Rabowsky et al. discloses a back channel for sending data from the plurality of theaters to the source (Col 2, Lines 3-4; Col 9, Lines 3-9), he fails to specifically suggest a “video camera for monitoring and generating a monitoring video signal of the audience without interaction from the audience under low-light conditions” as recited in the claim.

Chaum discloses a motion picture monitoring system including a “video camera for monitoring and generating a monitoring video signal of the audience without interaction from

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the audience under low-light conditions” (Col 9, Lines 46-54). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Rabowsky system so as to include “video camera for monitoring and the generation of a monitoring video signal of the audience”, as taught by Chaum, for the purpose of effectively gauging audience reaction without lighting distractions and for further providing a means to advantageously determine audience demographics.

Claim 2 is rejected in light of the combined teachings. In particular, Rabowsky et al. discloses the particular usage of a “back channel” associated with the transmission of administrative and financial information (Col 12, Lines 30-41). Chaum discloses the usage of a “back channel for transporting said monitoring video signal to one or more locations” (Col 9, Line 65 – Col 10, Line 38). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made in light of the combined teachings to particularly utilize the “back channel” of Rabowsky et al. in conjunction with the remote data analysis of Chaum et al. for the purpose of providing a means for “transporting said monitoring video signal to one or more locations” such as a central headquarters or film distributor for statistical analysis.

In consideration of claim 3, the combined teachings do not particularly disclose nor preclude the particular nature of the “back channel” other than to disclose that it provides a two-way data communications. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings such that the “back channel comprises the Internet” for purpose of advantageously of providing a ubiquitous and cost-efficient method to facilitate two-way data communications.

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Claim 8 is rejected wherein “said digital content is selected from the group consisting of pre-recorded content, live content, and video games” (Rabowsky et al.: Col 1, Lines 48-60).

13. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky et al. (US Pat No. 6,141,530), in view of Chaum (US Pat No. 5,959,717), and further in view of Mercs et al. (US Pat No. 6,384,893).

In consideration of claim 4, the combined teachings disclose a digital video distribution and viewing system for providing content to a plurality of theaters further comprising a “store and forward server for receiving said digital content” [62] (Col 10, Lines 13-15). While the reference suggests the particular usage of an automation system comprising instructions so as to control the particular playback of the movie (Col 10, Lines 26-32), it is unclear if such instructions necessarily comprise “at least one script for controlling an action of the theater . . . associated with the viewing of content”, as recited in the claim.

Merces discloses a digital movie networking system explicitly comprising a “script for controlling an action of the theater which is associated with the viewing of said digital content” (Col 3, Lines 6-13; Col 5, Lines 46-58; Col 6, Lines 2-3). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the aforementioned combined teachings for the purpose of automating the actions of the theater and synchronizing them with the playing of received digital content and for further eliminating the need for cinema operators to closely monitor and perform manual format adjustments (Merces et al.: Col 1, Lines 51-63).

Claim 5 is rejected wherein the “back channel is used to transport a log descriptive of said action to a remote site” (Merces et al.: Col 7, Lines 24-34).

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In consideration of claim 6, the combined teachings of Rabowsky et al. and Chaum disclose a system whereby a monitoring signal is utilized for sending images generated by a video camera. Rabowsky et al. and Chaum fail to explicitly disclose a system whereby “said monitoring signal is combined with a time stamp associated with the digital content for synchronizing the monitoring signal with said content distributed to a theater”, as recited in the claim.

Mercs discloses a digital movie networking system comprising a cinema controller which uses a timestamp associated with the digital content for synchronizing monitoring data to said content (Col 4, Lines 7-12, 34-40) for the purpose of accurately associating monitoring data with its corresponding source. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined systems to include a system whereby “said monitoring signal is combined with a timestamp associated with the digital content for synchronizing the monitoring signal with said content distributed to a theater”, as taught by Mercs, for the purpose of accurately associating monitoring data with its corresponding source in order to ensure that the particular compiled statistics associated with the monitoring are accurately associated with segments associated with the movie playback.

In consideration of claim 7, as aforementioned, the Chaum reference discloses the particular usage of a low-light camera (Col 9, Line 51-54). The reference, however, does not explicitly disclose nor preclude that the low-light camera is particularly an “infrared (IR) camera”. It would have been an obvious matter of design choice to utilize an “infrared (IR) camera”, since application has not disclosed that the particular form of low-light camera

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solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any form of low-light camera for the purpose of monitoring individuals in a darkened theater. Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an “infrared (IR) camera” since it was known in the art that “infrared (IR) cameras” are a form of low-light camera that operate outside the visible range of the light spectrum. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention utilized in conjunction with monitoring/surveillance in low-lighting conditions using a particular non-visible portion of the light spectrum so as to not distract from the viewers’ movie experience.

14. Claims 9 -11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky et al. (US Pat No. 6,141,530), in view of Chaum (US Pat No. 5,959,717), and further in view of Nanos et al. (US Pat No. 6,381,744).

In consideration of claim 9, the Rabowsky et al. reference suggests that the embodiment is operable to provide interactive data applications in order to provide interactive experiences to the theater audience (Col 12, Lines 37-41). The combined references, however, do not explicitly disclose nor preclude that the particular usage of a “form generator, which generates a form transported to at least one location, and a data collection device for receiving said generated form”, as recited in the claim.

In a related art, Nanos et al. discloses an automated survey system comprising a “form generator for generating a form . . . and a data collection device for receiving said generated form at said at least . . . one location” (Col 4, Lines 47-61). The reference teaches that the particularly generated forms or surveys may be customized to the particular location in which

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the kiosk resides (Col 11, Lines 52-64). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the automated survey system, as disclosed by Nanos et al., in conjunction with the theater system of the combined teachings for the purpose of utilizing an automated kiosk system that is operable to survey movie patrons regarding “said digital content” in a flexible manner (Nanos et al.: Col 4, Lines 41-47).

Claim 10 is rejected wherein Nanos et al. discloses a “data collection device” [1] which “receives user input for registering user response to said form” (Nanos et al.: Col 6, Lines 4-11).

Claim 11 is rejected wherein the “data collection device is selected from the group consisting of a mobile phone, a PDA (personal digital assistant), a pager, and a portable computer”. In particular, the “data collection device” [1] is disclosed to be a “portable computer” (Col 5, Line 66 – Col 7, Line 14).

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (US Pat No. 6,141,530), in view of Chaum (US Pat No. 5,959,717), and in further view of Son et al. (US Pat No. 6,229,895).

In consideration of claim 12, Rabowsky et al. discloses a “digital content distribution and viewing system” comprising a “source of at least one of pre-recorded content or live digital content” [10] (Col 1, Lines 48-51; Col 2, Line 49 – Col 3, Line 65), a “transport mechanism for distributing the content to a plurality of theater locations in an encrypted format using a first encryption technique” [30] wherein “said theater locations have theater equipment enabling said digital content to be viewed by an audience” [76] (Col 1, Lines 61-67; Col 4,

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Lines 17-32; Col 8, Line 44 – Col 9, Line 2, and a “store and forward server for receiving said digital content” [62] (Col 10, Lines 13-15) and for “transmitting said digital content to an input of a digital projection system coupled to an output of said store and forward server” [76]. The reference, however, does not particularly, disclose nor preclude “a video camera for monitoring and generating a monitoring video signal of the audience without interaction from the audience”.

Chaum discloses a motion picture monitoring system including a “video camera for monitoring and generating a monitoring video signal of the audience without interaction from the audience” (Col 9, Lines 46-54). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Rabowsky system so as to include “video camera for monitoring and the generation of a monitoring video signal of the audience”, as taught by Chaum, for the purpose of effectively gauging audience reaction without lighting distractions and for further providing a means to advantageously determine audience demographics.

Rabowsky et al. further fails to disclose or preclude the further use of a “second encryption technique” prior to distributing the video signal to the projector [76]. In a related art, Son discloses a secure video distribution system in which a storage server device receives content in a “first encrypted technique”, and upon request, decrypts said digital content and re-encrypts the content in a “second encrypted form” before retransmission of said content (Col 1, lines 31-40). Accordingly, it would have been obvious to one of ordinary skill at the time of invention to modify the combined teachings to include said store and forward server as additionally decrypting said received digital content and re-encrypting content using a

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second encryption technique before retransmitting for the purpose of providing additional security between the headend, the remote server, and the display means.

In consideration of claim 13, Rabowsky et al. discloses a “digital content distribution and viewing system” comprising a “source of at least one of pre-recorded content or live digital content” [10] (Col 1, Lines 48-51; Col 2, Line 49 – Col 3, Line 65), a “transport mechanism for distributing the content to a plurality of theater locations in an encrypted format using a first encryption technique” [30] wherein “said theater locations have theater equipment enabling said digital content to be viewed by an audience” [76] (Col 1, Lines 61-67; Col 4, Lines 17-32; Col 8, Line 44 – Col 9, Line 2, and a “at said theater locations, store and forward server for receiving said digital content” [62] (Col 10, Lines 13-15) and for “having an output coupled to an input of a digital projection system” [76]. The reference, however, does not particularly, disclose nor preclude “a video camera for monitoring and generating a monitoring video signal of the audience without interaction from the audience”

Chaum discloses a motion picture monitoring system including a “video camera for monitoring and generating a monitoring video signal of the audience without interaction from the audience” (Col 9, Lines 46-54). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Rabowsky system so as to include “video camera for monitoring and the generation of a monitoring video signal of the audience”, as taught by Chaum, for the purpose of effectively gauging audience reaction without lighting distractions and for further providing a means to advantageously determine audience demographics.

Rabowsky et al. further fails to disclose or preclude the further use of a “second encryption technique” via an “interface module” prior to distributing the video signal to the projector [76]. Son teaches a secure VOD system which contains an interface module [106] (Col 3, lines 5-10) which decrypts the “first encrypted signal” and re-encrypts the content using a “second technique” before retransmitting (Col 3, Lines 1-14). Accordingly, it would have been obvious to one of ordinary skill at the time of invention to modify the combined teachings to include an “interface module” which decrypts said digital content and re-encrypts it using a second technique before retransmitting said content for the purpose of providing additional security between the headend, the remote server, and the display means.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Guido et al. (US Pat No. 5,924,013) reference discloses a method and apparatus for transmitting motion picture cinematic information for viewing in movie theaters.
- The Morley et al. (WO 99/59335) reference discloses a method and apparatus for the distribution of digital cinema.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB

May 18, 2004

  
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